

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Jane Doe,

Case No. 3:21-cv-140

Plaintiff,

v.

ORDER

Red Roof Inns, *et al.*,

Defendants.

On January 6, 2023, Plaintiff Jane Doe filed a motion for leave to file a second amended complaint to cure alleged defects in the First Amended Complaint, as contended in the motion of Defendant Abundant Life Ministries, Inc. (n/k/a Perfecting Church Toledo, Inc.), for judgment on the pleadings. (Doc. Nos. 124 and 126). I previously held a case management conference with counsel for the remaining parties in this litigation, following which I issued a scheduling order setting certain deadlines, including a December 15, 2022 deadline for amending the pleadings or adding additional parties. (Doc. No. 121). Under Rule 16, a district court must issue a scheduling order limiting, among other things, the time to amend the pleadings. Fed. R. Civ. P. 16(b)(3). The scheduling order “may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). When a scheduling order deadline has passed, “a plaintiff first must show good cause under Rule 16(b) for failure earlier to seek leave to amend before a court will consider whether amendment is proper under Rule 15(a).” *Leary v. Daeschner*, 349 F.3d 888, 909 (6th Cir. 2003).

Plaintiff did not address Rule 16(b) in her motion for leave to amend. I hereby order her to do so within 14 days of the date of this Order, or her motion for leave to amend will be denied.

Plaintiff shall address Rule 16(b), as well as Perfecting Church Toledo's arguments in opposition to her motion for leave, in one reply brief. Perfecting Church Toledo is granted leave to file a sur-reply brief responding to Plaintiff's Rule 16(b) arguments only, within 14 days of the date on which Plaintiff files her reply brief. Plaintiff may not file a brief in response to Perfecting Church Toledo's sur-reply brief without further order of this court.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge